

105TH CONGRESS  
1ST SESSION

# H. RES. 145

Providing for the concurrence of the House with the amendment of the  
Senate to H.R. 914, with amendments.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 13, 1997

Mr. McKEON submitted the following resolution; which was considered and  
agreed to

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## RESOLUTION

Providing for the concurrence of the House with the  
amendment of the Senate to H.R. 914, with amendments.

1       *Resolved*, That upon the adoption of this resolution  
2 the bill (H.R. 914), to make certain technical corrections  
3 in the Higher Education Act of 1965 relating to gradua-  
4 tion data disclosures, shall be considered to have been  
5 taken from the Speaker's table to the end that the Senate  
6 amendments thereto be, and the same are hereby, agreed  
7 to with amendments as follows:

8       Insert before section 1 the following:

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# **TITLE I—TECHNICAL AMENDMENTS**

Redesignate sections 1 through 5 as sections 101 through 105, and at the end of the bill add the following:

## **SEC. 106. PAYMENTS RELATING TO FEDERAL PROPERTY.**

Section 8002(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(i)) is amended to read as follows:

“(i) PRIORITY PAYMENTS.—

“(1) IN GENERAL.—Notwithstanding subsection (b)(1)(B), and for any fiscal year beginning with fiscal year 1997 for which the amount appropriated to carry out this section exceeds the amount so appropriated for fiscal year 1996—

“(A) the Secretary shall first use the excess amount (not to exceed the amount equal to the difference of (i) the amount appropriated to carry out this section for fiscal year 1997, and (ii) the amount appropriated to carry out this section for fiscal year 1996) to increase the payment that would otherwise be made under this section to not more than 50 percent of the maximum amount determined under subsection (b) for any local educational agency described in paragraph (2); and

1           “(B) the Secretary shall use the remainder  
2           of the excess amount to increase the payments  
3           to each eligible local educational agency under  
4           this section.

5           “(2) LOCAL EDUCATIONAL AGENCY DE-  
6           SCRIBED.—A local educational agency described in  
7           this paragraph is a local educational agency that—

8           “(A) received a payment under this section  
9           for fiscal year 1996;

10          “(B) serves a school district that contains  
11          all or a portion of a United States military  
12          academy;

13          “(C) serves a school district in which the  
14          local tax assessor has certified that at least 60  
15          percent of the real property is federally owned;  
16          and

17          “(D) demonstrates to the satisfaction of  
18          the Secretary that such agency’s per-pupil reve-  
19          nue derived from local sources for current ex-  
20          penditures is not less than that revenue for the  
21          preceding fiscal year.”.

## **TITLE II—COST OF HIGHER EDUCATION REVIEW**

### **SEC. 201. SHORT TITLE; FINDINGS.**

(a) SHORT TITLE.—This Act may be cited as the “Cost of Higher Education Review Act of 1997”.

(b) FINDINGS.—The Congress finds the following:

(1) According to a report issued by the General Accounting Office, tuition at 4-year public colleges and universities increased 234 percent from school year 1980–1981 through school year 1994–1995, while median household income rose 82 percent and the cost of consumer goods as measured by the Consumer Price Index rose 74 percent over the same time period.

(2) A 1995 survey of college freshmen found that concern about college affordability was the highest it has been in the last 30 years.

(3) Paying for a college education now ranks as one of the most costly investments for American families.

### **SEC. 202. ESTABLISHMENT OF NATIONAL COMMISSION ON THE COST OF HIGHER EDUCATION.**

There is established a Commission to be known as the “National Commission on the Cost of Higher Edu-

1 cation” (hereafter in this Act referred to as the “Commis-  
2 sion”).

3 **SEC. 203. MEMBERSHIP OF COMMISSION.**

4 (a) APPOINTMENT.—The Commission shall be com-  
5 posed of 7 members as follows:

6 (1) Two individuals shall be appointed by the  
7 Speaker of the House.

8 (2) One individual shall be appointed by the Mi-  
9 nority Leader of the House.

10 (3) Two individuals shall be appointed by the  
11 Majority Leader of the Senate.

12 (4) One individual shall be appointed by the Mi-  
13 nority Leader of the Senate.

14 (5) One individual shall be appointed by the  
15 Secretary of Education.

16 (b) ADDITIONAL QUALIFICATIONS.—Each of the in-  
17 dividuals appointed under subsection (a) shall be an indi-  
18 vidual with expertise and experience in higher education  
19 finance (including the financing of State institutions of  
20 higher education), Federal financial aid programs, edu-  
21 cation economics research, public or private higher edu-  
22 cation administration, or business executives who have  
23 managed successful cost reduction programs.

24 (c) CHAIRPERSON AND VICE CHAIRPERSON.—The  
25 members of the Commission shall elect a Chairperson and

1 a Vice Chairperson. In the absence of the Chairperson,  
2 the Vice Chairperson will assume the duties of the Chair-  
3 person.

4 (d) QUORUM.—A majority of the members of the  
5 Commission shall constitute a quorum for the transaction  
6 of business.

7 (e) APPOINTMENTS.—All appointments under sub-  
8 section (a) shall be made within 30 days after the date  
9 of enactment of this Act. In the event that an officer au-  
10 thorized to make an appointment under subsection (a) has  
11 not made such appointment within such 30 days, the ap-  
12 pointment may be made for such officer as follows:

13 (1) The Chairman of the Committee on Edu-  
14 cation and the Workforce may act under such sub-  
15 section for the Speaker of the House of Representa-  
16 tives.

17 (2) The Ranking Minority Member of the Com-  
18 mittee on Education and the Workforce may act  
19 under such subsection for the Minority Leader of  
20 the House of Representatives.

21 (3) The Chairman of the Committee on Labor  
22 and Human Resources may act under such sub-  
23 section for the Majority Leader of the Senate.

24 (4) The Ranking Minority Member of the Com-  
25 mittee on Labor and Human Resources may act

1 under such subsection for the Minority Leader of  
2 the Senate.

3 (f) VOTING.—Each member of the Commission shall  
4 be entitled to one vote, which shall be equal to the vote  
5 of every other member of the Commission.

6 (g) VACANCIES.—Any vacancy on the Commission  
7 shall not affect its powers, but shall be filled in the manner  
8 in which the original appointment was made.

9 (h) PROHIBITION OF ADDITIONAL PAY.—Members of  
10 the Commission shall receive no additional pay, allow-  
11 ances, or benefits by reason of their service on the Com-  
12 mission. Members appointed from among private citizens  
13 of the United States may be allowed travel expenses, in-  
14 cluding per diem, in lieu of subsistence, as authorized by  
15 law for persons serving intermittently in the government  
16 service to the extent funds are available for such expenses.

17 (i) INITIAL MEETING.—The initial meeting of the  
18 Commission shall occur within 40 days after the date of  
19 enactment of this Act.

20 **SEC. 204. FUNCTIONS OF COMMISSION.**

21 (a) SPECIFIC FINDINGS AND RECOMMENDATIONS.—  
22 The Commission shall study and make findings and spe-  
23 cific recommendations regarding the following:

24 (1) The increase in tuition compared with other  
25 commodities and services.

1           (2) Innovative methods of reducing or stabiliz-  
2           ing tuition.

3           (3) Trends in college and university administra-  
4           tive costs, including administrative staffing, ratio of  
5           administrative staff to instructors, ratio of adminis-  
6           trative staff to students, remuneration of adminis-  
7           trative staff, and remuneration of college and univer-  
8           sity presidents or chancellors.

9           (4) Trends in (A) faculty workload and remu-  
10          neration (including the use of adjunct faculty), (B)  
11          faculty-to-student ratios, (C) number of hours spent  
12          in the classroom by faculty, and (D) tenure prac-  
13          tices, and the impact of such trends on tuition.

14          (5) Trends in (A) the construction and renova-  
15          tion of academic and other collegiate facilities, and  
16          (B) the modernization of facilities to access and uti-  
17          lize new technologies, and the impact of such trends  
18          on tuition.

19          (6) The extent to which increases in institu-  
20          tional financial aid and tuition discounting have af-  
21          fected tuition increases, including the demographics  
22          of students receiving such aid, the extent to which  
23          such aid is provided to students with limited need in  
24          order to attract such students to particular institu-  
25          tions or major fields of study, and the extent to



1       which Federal financial aid, including loan aid, has  
2       been used to offset such increases.

3           (7) The extent to which Federal, State, and  
4       local laws, regulations, or other mandates contribute  
5       to increasing tuition, and recommendations on re-  
6       ducing those mandates.

7           (8) The establishment of a mechanism for a  
8       more timely and widespread distribution of data on  
9       tuition trends and other costs of operating colleges  
10      and universities.

11          (9) The extent to which student financial aid  
12      programs have contributed to changes in tuition.

13          (10) Trends in State fiscal policies that have af-  
14      fected college costs.

15          (11) The adequacy of existing Federal and  
16      State financial aid programs in meeting the costs of  
17      attending colleges and universities.

18          (12) Other related topics determined to be ap-  
19      propriate by the Commission.

20      (b) FINAL REPORT.—

21          (1) IN GENERAL.—Subject to paragraph (2),  
22      the Commission shall submit to the President and to  
23      the Congress, not later than 120 days after the date  
24      of the first meeting of the Commission, a report  
25      which shall contain a detailed statement of the find-

1        ings and conclusions of the Commission, including  
2        the Commission's recommendations for administra-  
3        tive and legislative action that the Commission con-  
4        siders advisable.

5            (2) MAJORITY VOTE REQUIRED FOR REC-  
6        OMMENDATIONS.—Any recommendation described in  
7        paragraph (1) shall be made by the Commission to  
8        the President and to the Congress only if such rec-  
9        ommendation is adopted by a majority vote of the  
10       members of the Commission who are present and  
11       voting.

12           (3) EVALUATION OF DIFFERENT CIR-  
13        CUMSTANCES.—In making any findings under sub-  
14        section (a) of this section, the Commission shall take  
15        into account differences between public and private  
16        colleges and universities, the length of the academic  
17        program, the size of the institution's student popu-  
18        lation, and the availability of the institution's re-  
19        sources, including the size of the institution's endow-  
20        ment.

21    **SEC. 205. POWERS OF COMMISSION.**

22           (a) HEARINGS.—The Commission may, for the pur-  
23        pose of carrying out this Act, hold such hearings and sit  
24        and act at such times and places, as the Commission may  
25        find advisable.

1 (b) RULES AND REGULATIONS.—The Commission  
2 may adopt such rules and regulations as may be necessary  
3 to establish the Commission's procedures and to govern  
4 the manner of the Commission's operations, organization,  
5 and personnel.

6 (c) ASSISTANCE FROM FEDERAL AGENCIES.—

7 (1) INFORMATION.—The Commission may re-  
8 quest from the head of any Federal agency or in-  
9 strumentality such information as the Commission  
10 may require for the purpose of this Act. Each such  
11 agency or instrumentality shall, to the extent per-  
12 mitted by law and subject to the exceptions set forth  
13 in section 552 of title 5, United States Code (com-  
14 monly referred to as the Freedom of Information  
15 Act), furnish such information to the Commission,  
16 upon request made by the Chairperson of the Com-  
17 mission.

18 (2) FACILITIES AND SERVICES, PERSONNEL DE-  
19 TAIL AUTHORIZED.—Upon request of the Chair-  
20 person of the Commission, the head of any Federal  
21 agency or instrumentality shall, to the extent pos-  
22 sible and subject to the discretion of such head—

23 (A) make any of the facilities and services  
24 of such agency or instrumentality available to  
25 the Commission; and

1 (B) detail any of the personnel of such  
2 agency or instrumentality to the Commission,  
3 on a nonreimbursable basis, to assist the Com-  
4 mission in carrying out the Commission's duties  
5 under this Act.

6 (d) **MAILS.**—The Commission may use the United  
7 States mails in the same manner and under the same con-  
8 ditions as other Federal agencies.

9 (e) **CONTRACTING.**—The Commission, to such extent  
10 and in such amounts as are provided in appropriation  
11 Acts, may enter into contracts with State agencies, private  
12 firms, institutions, and individuals for the purpose of con-  
13 ducting research or surveys necessary to enable the Com-  
14 mission to discharge the Commission's duties under this  
15 Act.

16 (f) **STAFF.**—Subject to such rules and regulations as  
17 may be adopted by the Commission, and to such extent  
18 and in such amounts as are provided in appropriation  
19 Acts, the Chairperson of the Commission shall have the  
20 power to appoint, terminate, and fix the compensation  
21 (without regard to the provisions of title 5, United States  
22 Code, governing appointments in the competitive service,  
23 and without regard to the provisions of chapter 51 and  
24 subchapter III of chapter 53 of such title, or of any other  
25 provision, or of any other provision of law, relating to the

1 number, classification, and General Schedule rates) of an  
2 Executive Director, and of such additional staff as the  
3 Chairperson deems advisable to assist the Commission, at  
4 rates not to exceed a rate equal to the maximum rate for  
5 level IV of the Executive Schedule under section 5332 of  
6 such title.

7 **SEC. 206. EXPENSES OF COMMISSION.**

8       There are authorized to be appropriated to pay any  
9 expenses of the Commission such sums as may be nec-  
10 essary not to exceed \$650,000. Any sums appropriated for  
11 such purposes are authorized to remain available until ex-  
12 pended, or until one year after the termination of the  
13 Commission pursuant to section 207, whichever occurs  
14 first.

15 **SEC. 207. TERMINATION OF COMMISSION.**

16       The Commission shall cease to exist on the date that  
17 is 60 days after the date on which the Commission is re-  
18 quired to submit its final report in accordance with section  
19 204(b).

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